

ESTTA Tracking number: **ESTTA694736**Filing date: **09/10/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Tony Marterie & Associates
Granted to Date of previous extension	09/23/2015
Address	PO Box 2018 Sausalito, CA 94966 UNITED STATES
Attorney information	H MICHAEL BRUCKER H MICHAEL BRUCKER LAW CORP 5855 DOYLE STREET , SUITE 110 EMERYVILLE, CA 94608 UNITED STATES michael@hmblawoffice.com Phone:510-654-6200

Applicant Information

Application No	79163298	Publication date	05/26/2015
Opposition Filing Date	09/10/2015	Opposition Period Ends	09/23/2015
International Registration No.	1119329	International Registration Date	05/10/2012
Applicant	FASHION BOX S.P.A. Via Marcoai, 1 ITALY		

Goods/Services Affected by Opposition

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Denim bags, namely, denim handbags, denim purses
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Denim wear, namely, denim pants, denim shirts, denim skirts, denim jackets, jeans; trousers; skirts; jackets as clothing; track suits; bermuda shorts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration	1613960	Application Date	11/02/1989
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No.			
Registration Date	09/18/1990	Foreign Priority Date	NONE
Word Mark	BLAST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1989/09/26 First Use In Commerce: 1989/09/26 WOMEN'S WEARING APPAREL - NAMELY TOPS, PANTS AND SKIRTS		

U.S. Registration No.	2550932	Application Date	10/19/1998
Registration Date	03/19/2002	Foreign Priority Date	NONE
Word Mark	BLAST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 shorts, jackets, sweaters, T-shirts, and sweat shirts		

U.S. Registration No.	2579122	Application Date	10/19/1998
Registration Date	06/11/2002	Foreign Priority Date	NONE
Word Mark	BLAST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2001/12/14 First Use In Commerce: 2001/12/14 handbags and backpacks		

U.S. Registration No.	4777548	Application Date	10/04/2012
Registration Date	07/21/2015	Foreign Priority Date	NONE
Word Mark	BLAST FROM THE PAST		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 2015/04/17 First Use In Commerce: 2015/04/17 T-shirts; Tops
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U.S. Registration No.	4162085	Application Date	03/22/2011
Registration Date	06/19/2012	Foreign Priority Date	NONE
Word Mark	LIFE'S A BLAST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2009/12/21 First Use In Commerce: 2009/12/21 scarves		

Attachments	85745714#TMSN.png(bytes) 85273302#TMSN.png(bytes) Opp.pdf(42891 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/H. Michael Brucker/
Name	H MICHAEL BRUCKER
Date	09/09/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re Application Serial No. 79163298

Filing Date: December 18, 2014

Mark: LASERBLAST

Publication Date: May 26, 2015

Opposition No.

Int'l Classes: 018 and 025

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TONY MARTERIE & ASSOCIATES CORP.

Opposer

Against

Fashion Box S.P.A.

Applicant

_____/

NOTICE OF OPPOSITION

Tony Marterie & Associates Corp. ("Marterie" or "Opposer"), a California corporation with a business address of 28 Liberty Ship Way, 2nd Floor, Sausalito, CA 94965, believes that it will be damaged by registration of the mark LASERBLAST, the subject of the above-identified application Serial No. 79163298, and hereby opposes registration of such mark and requests that the application to register such a mark to Applicant Fashion Box S.P.A. ("Applicant") be refused.

As grounds in support of its Opposition, Marterie asserts as follows:

1. Applicant seeks under Application Serial No. 79163298 to register LASERBLAST as a trademark in International Class 018 in connection with "Denim bags, namely, denim handbags, denim purses" and in International Class 025 in connection with "Denim wear, namely, denim pants, denim shirts, denim skirts, denim jackets, jeans; trousers; shirts; jackets as clothing; track

suits; bermuda shorts", as evidenced by its December 18, 2014 application to register Applicant's mark (the "Application").

2. Marterie is the owner of the marks BLAST, BLAST, BLAST, BLAST FROM THE PAST and LIFE'S A BLAST, which marks were registered respectively on the Principal Register under registration numbers 1,613,960 (on September 18, 1990), 2,550,932 (on March 19, 2002), 2,579,122 (on June 11, 2002) 4,777,548 (on July 21, 2015) and 4,162,085 (on June 19, 2012). Abstracts of the registrations are attached hereto and made a part hereof. The mark BLAST (1,613,960) is registered for use in connection with "women's wearing apparel-namely tops, pants and skirts." The mark BLAST (2,550,932) is also registered for use in connection with "t-shirts and sweatshirts." The mark BLAST (2,579,122) is registered for use in connection with "handbags and backpacks". The mark BLAST FROM THE PAST (4,777,548) is registered in connection with "t-shirts and tops". LIFE'S A BLAST (4,162,085) is registered for use in connection with "scarves." BLAST, BLAST, BLAST, BLAST FROM THE PAST and LIFE'S A BLAST are referred to herein collectively as "Marterie's BLAST Marks."

3. Marterie has superior rights vis-à-vis Applicant in connection with the Application and the goods covered thereby by virtue of its registration and usage of Marterie's BLAST Marks and/or its usage of other BLAST marks in commerce.

4. Applicant's mark is confusingly similar to Marterie's BLAST Marks. Customers of Marterie and others familiar with Marterie's BLAST Marks are likely, upon seeing Applicant's goods bearing the LASERBLAST mark in connection with bags and clothing goods, to believe incorrectly that such goods by Applicant originate from Marterie and/or are manufactured, sold, provided or distributed in association with, or under license from, Marterie.

5. If Applicant is permitted to register its mark for the goods described in its Application, Marterie would suffer damage or injury by, *inter alia*, (i) the resulting confusion of the trade and public due to the similarity between Applicant's mark and Marterie's BLAST Marks and (ii) the resultant dilution through blurring, tarnishing and/or the lessening of the capacity of

Marterie's BLAST Marks to identify and distinguish its goods bearing Marterie's BLAST Marks.

6. On information and belief, Applicant has based its BLAST application on International Reg. No. 1119329, registered in Italy on May 10, 2012, in connection with clothing and related goods which is long after Marterie's use and registration of its Marterie's BLAST Marks in the same or related fields.

7. The Application was published in the Official Gazette on May 26, 2015. Marterie obtained an extension of time to oppose the Application to September 23, 2015. Thus, this opposition is timely filed with respect to Applicant's mark.

8. The applicable statutory filing fee is paid herewith.

WHEREFORE, Marterie prays that application Serial No. 79163298 be rejected, that no registration of the mark be issued to Applicant and this opposition be sustained in favor of Opposer Marterie and such other and further relief as is just and proper.

Date: September 9, 2015

Respectfully submitted,

TONY MARTERIE & ASSOCIATES CORP.

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